City of Detroit

CITY COUNCIL

PEGGY ROBINSON Deputy Director (313) 224-4946

DAVID D. WHITAKER Director (313) 224-4946

DIVISION OF RESEARCH & ANALYSIS Coleman A. Young Municipal Center 2 Woodward Avenue, Suite 216 Detroit, Michigan 48226 (313) 224-4946 FAX: (313) 224-0368

TO:

The Honorable Detroit City Council

FROM:

David Whitaker

Nkrumah Johnson-Wynfi

Sherée Edwards

DATE:

April 27, 2006

RE:

APPOINTMENT OF THE DIRECTOR OF THE

CITY PLANNING COMMISSION

This memorandum serves as the Research and Analysis Division's (RAD) response to this Honorable Body's request for an opinion regarding the appointment of the Director of the City Planning Commission (CPC).

DISCUSSION

The 1997 Detroit City Charter provides for a nine-member City Planning Commission that is appointed by and serves at the pleasure of City Council. Sec. 4-401. Section 4-403 provides, in pertinent part, that the "commission may, within appropriations, appoint a staff, exempt from article 6, chapter 5 of this Charter". Although the Charter does not reference specific positions, it is clear that "staff" of the Commission includes the Director.

In a January 24, 2006 memo to Council, Mr. Marcus Loper, Deputy Director of the City Planning Commission, outlines the hiring process followed when Ms. Marsha Bruhn was appointed to serve as Director in 1983:

... the City Planning Commission initially reviewed and interviewed the applicants for the position and the Commission recommended to City Council the 3 candidates for consideration. After the Council interviewed the 3 candidates, it recommended Marsha Bruhn's selection

to the Commission¹. The Commission formally made the appointment (See attached – Exhibit B).

Pursuant to Mr. Loper's memo to Council, both Council and the Commission were involved in the selection process while the formal appointment of Ms. Bruhn to serve as Director was made by the Commission. As this Honorable Body is aware, Ms. Bruhn, once appointed, went on to serve in that capacity until she retired in December 2005.

In accordance with the current Charter², the Commission retains the authority to appoint a new Director, within appropriations. However, RAD's research reveals that the Commission no longer has a separate appropriation. Rather, funding for the Commission is listed as a cost center within the appropriation for "City Legislative Functions" (See attached – Exhibit C). The City Planning Commission, therefore, has funding for staff, including a Director, through a cost center in City Council's budget.

CONCLUSION

RAD recommends that the Commission and Council follow the same hiring process used when Ms. Bruhn was appointed to the position of Director of the City Planning Commission. The Commission would prepare the job announcement and job description to be advertised in various publications, conduct an initial review and interview prospective, qualified candidates -- all in accordance with the Open Meetings Act, MCL 15.261 et seq. In a meeting open to the public, the Commission would recommend three candidates to the Council to be interviewed -- again, in an open meeting. By resolution, Council would make a recommendation to the Commission and the Commission would make the formal appointment.

Attachments

² The Charter language has not changed since the time of Ms. Bruhn's appointment.

¹ By resolution dated July 20, 1983, City Council recommended to the City Planning Commission that Ms. Bruhn be appointed to the position of Director (See attached – Exhibit A).

EXHIBIT A

ducted under the rules and regulations of the concerned departments and supervision of the Police Department, and in compliance with applicable ordinances, and further

Provided, That the sales of food and soft drinks are held under the director and inspection of the Health Depart-

ment, and further

Provide,d That this resolution is revocable at the will, whim or caprice of the City Council.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaf-fey, Peoples, Ravitz and President Henderson — 9. Nays — None.

AMENDING RESOLUTION

By Council Member Cleveland: Resolved, That resolution adopted March 9, 1983 (J.C.C. p. 463-67) for the removal of dangerous structures at various locations, be and the same is hereby amended for the purpose of rescinding the removal order only for the structure at 14635 Lesure.

Adopted as follows:

Yeas — Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaf-fey, Peoples, Ravitz, and President Henderson - 9.

Nays - None.

Waiver of Council Rule No. 4

By Council Member Collins:

Resolved, That Rule No. 4 of the Rules and Order of Business of the City Council", which requires that the Committee of the Whole shall be presided over at its daily meetings by each Council Member (other than the Council President) in rotation according to the alphabetical order of last names, be and the same is hereby suspended, for the purpose of allowing the Council President to preside over the public hearing regarding a proposed ordinance to amend Chapter 12, to provide for the City to abate public nuisances caused by vacant, single family dwellings, etc., to be held on July 22, 1983, at 10:00 A.M.

Adopted as follows:

Yeas - Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson — 9. Nays — None.

RESOLUTION

By Council Member Eberhard:

Resolved, that the City Council hereby recommends to the City Planning Commission that Marsha S. Bruhn, 15908 Glastonbury, Detroit, Mi. 48223, be appointed to the position of Director of the City Planning Commission.

Adopted as follows:

Yeas - Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson - 9.

Nays - None.

TESTIMONIAL RESOLUTION

COMMISSIONER MAXCINE YOUNG By Council Member Cleveland:

WHEREAS, Mrs. Maxcine Young was a dedicated elected official for two

decades, and WHEREAS, Mrs. Young has been involved in community service work in Detroit for over 40 years, and received an appointment by a Michigan gover-

nor, and WHEREAS, In addition, Maxcine Young has served Michigan residents as a

Michigan State Representative and as a member of Michigan's House of Representatives, as well as in the post of Wayne County Commissioner, and WHEREAS, With two decades of serv-

ice behind her, Mrs. Young has decided to retire from public office. A Silver Dime Tribute has been planned by her friends and colleagues to be held at Trolley Plaza on July 22, 1983, for this

occasion NOW, THEREFORE, BE IT RESOLVED, That the Detroit City Council passes this Resolution in honor of Mrs. Maxine Young for the dedicated public and community service she has so ably provided to Michigan residents.

Adopted as follows:

Yeas - Council Members Cleveland, Collins, Eberhard, Hood, Kelley, Mahaffey, Peoples, Ravitz, and President Henderson = 9.

Nays - None.

TESTIMONIAL RESOLUTION

EDDIE MURPHY

By COUNCIL MEMBER CLEVELAND: WHEREAS, Brooklyn-born comedian Eddie Murphy, at age 22, has achieved an astronomical level of superstardom seldom accomplished by most entertainers who have spent an entire lifetime in the business, and

WHEREAS, Since appearing as a feature player on the "Saturday Night Live" network television show three years ago, he has demonstrated immense talent and broad appeal by charming, conning and amusing his fans with hilarious characters: exercise guru Little Richard Simmons; Velvet Jones, entrepreneur pîmp extraordinaire; illiterate, literary world darling, killer and excon, Tyrone Green; angry radical talking Raheem Abdul Muhammad; and his bull's eye parodies of Buckwheat, Bill Cosby, Stevie Wonder, Mr. T and Gumby, and

EXHIBIT B

Arthur Simons
Chair person
Susan Glaser
Vice-Chairperson

Marsha S. Bruhn, AICP Director Marcus D. Loper Deputy Director

City of **Detroit**

CITY PLANNING COMMISSION

202 Coleman A. Young Municipal Center Detroit, Michigan 48226

> (313) 224-6225 E-mail: cc-cpc@ci.detroit.mi.us Fax: (313) 224-4336

Dr. David Cason, Jr., AICP Thomas Christensen Robert L. Glenn Anthony Jeffrey Linda Smith Kathleen Wendler Roy Levy Williams

TO:

City Council President Kenneth V. Cockrel, Jr.

FROM:

Marcus D. Loper, Deputy Director

RE:

CPC Director Ad and job description

DATE:

January 24, 2006

In response to your request from yesterday, attached is a copy of the 1982 advertisement and the job description for the City Planning Commission (CPC) Director position. The only information I found regarding placement of the ad indicated that it was in the Detroit Free Press and the Michigan Chronicle. However, attached are lists of organizations and media outlets to which we have sent recent job announcements.

In reviewing some documents on the CPC Director selection process used in 1982 and 1983, I did uncover some additional information. Contrary to my recollection expressed to you yesterday, actually the City Planning Commission initially reviewed and interviewed the applicants for the position and the Commission recommended to City Council the 3 candidates for consideration. After the Council interviewed the 3 candidates, it recommended Marsha Bruhn's selection to the Commission. The Commission formally made the appointment.

There are two Law Department opinions attached that lay out the basis upon which this process was devised based on City Charter language, as well as an opinion from the Council's Research and Analysis Division. I am not entirely clear as to whether the Council or the Commission would formally make the appointment of the Director at this time, since the Commission no longer has a separate appropriation and the staff is funded though a cost center in the City Council's budget. It might be helpful to request an updated opinion from the Law Department to clarify this issue before the process starts.

Attachments

City of Detroit

CITY PLANNING COMMISSION

202 City-County Building Detroit, Michigan 48226

(313) 224-6225

Aubrey C. Ages Irene Barton Victoria Buckley Virginia Centrell Barbara F. Mays Mary Robinson Gladya Woodard

April 14, 1982.

To:

Donald J. Schelble Chairpers on

Gioria W. Robinson Vice Chairperson

City Councilmembers

From:

Marcus D. Loper, Interim Director

Re:

CPC Director Job Announcement and

Job Description

Attached please find, for your information, a copy of the recent job announcement for the City Planning Commission Director position and a copy of the job description for that

MDL: cl

The top-management level of professional work in urban planning

Duties and Responsibilities:

- Serve as administrative head of the Commission staff, subject to the policy determination of the City Planning Commission;
- Plan, organize, assign, direct, review and coordinate the activities of the Commission's professional, technical, and clerical personnel engaged in the compilation, analysis, and interpretation of data, and preparing reports and recommendations to the Commission and City Council:
- Be responsible for the selection, placement, promotion, training, development, discipline and appraisal/evaluation of Commission personnel, within limits of delegated authorities;
- Act as technical advisor to the Commission and City Council;
- Coordinate activities of the Commission with those of other city departments and governmental agencies;
- Interpret and implement applicable provisions of Federal acts, State laws, City Charter, and local ordinances;
- Follow the duties of Director as outlined in the official CPC Rules of Procedure;
- Establish and maintain cooperative relationships with governmental officials and agencies, professional and technical persons, employees, civic organizations, and the press;
- Understand the principles of good municipal organization and management;
- Speak and write effectively.

Examples of work performed:

- Assign and administer the Commission's Work Program;
- Supervise the preparation of reports to the Commission, City Council and other agencies;
- Maintain a written record, including work-flow charts, goals, objectives, time-frame, status and needs-assessment, for all major projects;
- pirect the preparation of the agenda and packet of materials for regular and special City Planning Commission meetings;
- Advise and recommend appropriate actions to the Commission
- on all pending calendar and policy matters;

 Direct the development and advancement of subordinantes through training and effective use of employee development programs;
- Prepare the Commission's annual budget and manpower needs estimates;
- Represent the Commission on interdepartmental committees, at public meetings, and at planning meetings and/or conferences with public and private groups;
- pirect the maintenance of necessary records and reports;
- Prepare an Annual Report.

Minimum Qualifications:

- Required: Hold a Master's degree in Urban Planning, Public Administration, or a closely-related field, with a minimum of twelve (12) years of progressively responsible professional planning experience, at least six (6) of which must have included supervisory/administrative responsibilities;
- Desired: Be a member of the American Institute of Certified Planners and a Registered Professional Community Planner, State of Michigan.

DIRECTOR

CITY OF DETROIT CITY PLANNING COMMISSION

Salary Range: \$31,500 - \$40,200

The City Planning Commission is seeking applicants for the position of Director. Duties generally include:

- Administration of the office of the Commission and the supervision of staff;
- Review and evaluation of the Master Plan for the City and the submission of reports and recommendations to the Commission and City Council on approval or modifications to the Plan;
- Responsibility for the review and evaluation of physical, social, and economic development projects, the review and evaluation of various renewal, conservation and redevelopment programs and the submission of reports and recommendations on such matters to the City Planning Commission and City Council;
- Review and submission of recommendations to the Commission and City Council on the Mayor's proposed five-year capital agenda and annual budget;
- Initiation of studies and proposals for social, economic, and physical development;
- Delegation of duties to staff as necessary and resonsibility for their completion.

Applicants must hold a Master's degree in Urban Planning, Public Administration, or a closely-related field, with a minimum of twelve (12) years of progressively responsible professional planning experience, at least six (6) of which must have included supervisory/administrative responsibilities.

It is desirable that the applicants be members of the American Institute of Certified Planners and a Registered Professional Community Planner, State of Michigan.

Applicants must be residents of Detroit or willing to relocate.

Applicants should submit five copies of resume by March 31, 1982 to:

CITY PLANNING COMMISSION 202 City County Building Detroit, Michigan 48226 (313) 224-6225

- 1. APA Job Mart

- APA JOD Walt
 Planning & Zoning News
 The Detroit News and Free Press
 The Michigan Chronicle
 Observer and Eccentric Newspapers
 Crains Detroit Business
 Planning agencies and Universities

Jichigan State University
Urban and Regional Planning
Attn: June Thomas
201 UPLA Bldg.
E. Lansing, MI 48824

University of Michigan Attn: Robert Marans 2000 Bonisteele Blvd. Ann Arbor, MI 48109-2069

Ayres Lewis Norris & May Inc. 3959 Research Park Drive Ann Arbor, MI 48108

Brandon M. Rogers & Associates 21 Kercheval Grosse Pointe Farms, MI 48236

City Planning Dept. 26000 Evergreen Rd. Southfield, MI 48037-2055

City Planning Dept. 500 W. Big Beaver Rd. Troy, MI 48084

City Planning Dept. 1600 W. Wide Track Dr. Pontiac, Ml 48342

City Planning Dept. 316 N. Capital Ave. Lansing. Ml 48933-1236

Community Development Dept. PO Box 3001 Birmingham, MI 48012-3001

City Planning Dept. PO Box 1717 Banle Creek, Ml 49014 Wayne State University Attn: Gary Sands 225 State Hall Detroit, MI 48202

University of Detroit Mercy Professional Practice and Career Attn: Betty Jeffries 8200 W. Outer Drive Box 68 Detroit, MI 48219

JJR Incorporated 150 W. Jefferson Detroit/MI 48226

Wade Trim & Associates Inc. 25185 Goddard Rd Taylor, MI 48180

City Planning Dept. 100 North 5th Avenue Ann Arbor, MI 48107

Community Development Dept. 1 Crocker Blvd.
Mt. Clemens, M1 48043

City Planning Dept. 100 McMorran Blvd. Port Huron, MI 48060

City Planning Dept. Ann: City Manager 225 W. Main St. Gaylord, MI 49735

City Planning Dept. 300 Monroe NW Grand Rapids, MI 49503

City Planning Dept. 400 Boardman Ave. Traverse City, MI 49684 Mailing List-Planning Agencies/Schools.

Kalamazoo County Planning Attn: Dean Holub 201 W. Kalamazoo Ave Kalamazoo, MI 49007

JJR Incorporated 110 Miller Ann Arbor, MI 48104

SEMCOG 660 Plaza Drive, Suite 1900 Detroit, MI 48226

City Planning Dept. 13615 Michigan Avenue Dearborn, MI 48126

City Planning & Zoning Dept. 40555 Utica Rd. PO Box 8009 Sterling HTS, MI 48311-8009

Planning & Development Dept. 401 N. Main St. Mt. Pleasant, MI 48858

City Planning Dept. 301 Washington Ave. Bay City, MI 48708

City Planning Dept. 120 W. Michigan Ave. Jackson, MI 49201

City Planning Dept. 211 William St. Royal Oak, MI 48067 St. Clair Shores Comm. Dev. 27600 Jefferson Clair Shores, MI 48081

E. Lansing Planning Dept. 410 Abbott Rd., Room 222 E. Lansing, Ml 48823 Warren Planning Dept. 29500 Van Dyke Warren, MI 48093

Ecorse Planning Commission 3869 E. Jefferson Ecorse, MI 48229 Troy Planning Dept. 500 W. Big Beaver Troy, MI 48084

Farmington Hills Planning 31555 11 Mile Rd. Farmington Hills, MI 48336



Law Department 1010 City-County Building Detroit, Michigan 48226-3491 (313) 224-4550

Coleman A. Young, Mayor
City of Detroit

October 18, 1982

Donald Scheible, Chairperson City Planning Commission 202 City-County Building Detroit, MI 48226

Re: September 17, 1982 request for an Opinion regarding proposed City Council procedures for appointing City Plan Commission staff

Dear Mr. Scheible:

The authority to appoint City Plan Commission staff is set out in Sections 4-401 and 4-403 of the City Charter. These sections read in pertinent part as follows:

Section 4-401 provides as follows:

"A 9 - member city planning commission shall be appointed by and serve at the pleasure of the city council.

As far as possible, different professions and occupations shall be represented on the commission.

A member must be a resident of the City. The term of office is 3 years and the terms of 3 members expire each year. City council members are eligible for appointment to the commission."

Section 4-403 of the Charter reads as follows:

"The commission may, within appropriations, appoint a staff, exempt from article 6, chapter 5 of this charter."

Based on the above, it is the opinion of this office that it is the City Planning Commission rather than the City Council which has the Charter authority to appoint the City Planning Commission staff. If City Council wishes to make the appointment itself, it may invoke its authority pursuant to Section 4-401 and appoint its own members to the City Planning Commission. To the extent, however, that City Council has appointed to the Planning Commission persons other than City Council members, those persons who have been duly appointed to the City Planning Commission have the authority pursuant to the Charter to make the staff appointments.

It is understood, of course, that pursuant to Section 4-401, members of the City Planning Commission "serve at the pleasure of the City Council", and accordingly, if City Council is displeased with any actions of any members of the Planning Commission those individual members or the Planning Commission as a whole may be removed by the City Council.

Respectfully,

FRANK W. JACKSON

Assistant Corporation Counsel

APPROVED:

Deputy Corporation Counsel

FWJ:MH:de

cc: Carol Campbell
Tom Killian
Frank Jackson
Michael Hurvitz



Law Department 1010 City-County Building Denoit, Michigan 48226-3491 (313) 224-4550

Coleman A. Young, Mayor City of Denoit

June 28, 1983

Donald Scheible, Chairperson City Planning Commission 202 City-County Building Detroit, Michigan 48226

Re: Selection of City Planning Commission Director

Dear Mr. Scheible:

The authority to appoint City Planning Commission staff is set out in Sections 4-401 and 4-403 of the City Charter.

Pursuant to the September 17, 1982 request for an opinion regarding proposed City Council procedures for appointing City Planning Commission staff, the Law Department issued its legal opinion dated October 18, 1982 which stated, in part, "that pursuant to Sections 4-401 and 4-403 of the City Charter, the City Planning Commission has the authority to appoint the City Planning staff."

On June 20, 1983, the City Council stated its proposed procedure on the selection of the City Planning Commission director. The City Council proposal is as follows:

The Council requests that the Commission make a determination from amongst those interviewed and submit its choice of three (3) proposed persons to the Council. The Council will then make a recommendation of one person to the City Planning Commission for appointment.

vune 28, 1983
Page Two

If the Commission feels that it does not wish to follow the recommendation of the City Council, the Commission should submit a second group of persons that it wishes to consider as its possible choices for the position of Director.

It is the opinion of this office that City Council's proposed procedure in the selection of City Planning Commission director is within the legal guidelines of the City Charter, namely, Sections 4-401 and 4-403.

It should be understood that the City Planning Commission can either accept or reject City Council's proposed procedure and appoint a director without the Council's recommendation.

As previously stated in the legal opinion dated October 18, 1982, pursuant to Section 4-401, members of the City Planning Commission "serve at the pleasure of the City Council," and accordingly, if City Council is displeased with any actions of any members of the Planning Commission those individual members or the Planning Commission as a whole may be removed by the City Council.

Respectfully submitted,

Frank W. Jackson, Supervising Assistant Corporation Counsel

FWJ:LCR:mc

APPROVED:

Corpogation Counsel

City of Detroit

CITY COUNCIL

DIVISION OF RESEARCH AND ANALYSIS

1312 City-County Building Detroit, Michigan 48226

JOSEPHINE A. POWELL Director 224-4946

BARBARA J. ROPER
Deputy Director
224-4543

TO:

Honorable City Council

FROM:

Josephine A. Powell

DATE:

October 1, 1983

RE:

Status and Relationship of CPC to City Council

Section 4-401 of the 1974 Charter and the accompanying Charter commentary provide the basis for determining the status and relationship of the CPC to the City Council.

The Charter provides that the Commission shall be a 9 member body appointed by the City Council.

Section 4-401 and 4-402 specify that the commissioners are appointed by and serve at the pleasure of the Council, and that the duty of the Commission is to advise the City Council on development matters as defined in \$6-204 and to perform such other functions as directed by the City Council. The Charter also provides that "....any resolution adopted by the Commission is advisory and shall not be binding until adoption by the City Council."

Section 4-404 provides that the Commission may, within appropriations, appoint a staff...exempt from civil service commissions requirements.

The Commentary, accompanying the above cited charter provisions make it very clear that the Commission's purpose is to provide advisory development information to the City Council. The Commentary specifies that in contrast to the situation which existed in the 1918 Charter—the Commission is not constituted in the 1974 Charter as an independent body, but an appointed, advisory body whose sole purpose is to serve the needs of Council as Council and the Charter defines those needs.

The Commentary frankly discusses the past planning practices of the City and goes on to say that:

Honorable City Council October 3, 1983 Page No. 2

"Detroit can no longer afford the luxury of planning that is not responsible to the officers charged with raising, appropriating and spending the City's tax dollars."

* * *

"...recognizing the Council's policy-making role in planning and development and its need for assistance in planning matters, §4-401 provides that the City planning Commission will be appointed by and serve at the pleasure of the Council."

Because of the need for professional planning expertise and the obvious inability of the commissioners to take day to day responsibilty for integral planning and development matters, the Charter contemplated and provided for the Commission to have professional staff assistance to aid in its task of assisting the Council.

While the Commission is charged with engaging the staff, it is obvious that the staff must play a daily role in assisting and serving the Council if the Commission is to fulfill its purpose as established under the Charter.

Obviously, the Commission cannot operate in a vaccum. It is part of an umbrella-group of legislative agencies. It is only reasonable to think that the Commission would operate similarly to other Council agencies.

By no stretch of imagination could it be construed that the Commission is an autonomous body.

The Commission, which meets bi-weekly for only a few hours, is a part-time entity and is not in position to direct the day-to-day operation of the staff.

If the Commission should express an unwillingness to follow the directions of Council, the Council has at least two options:

- 1) To dismiss the Commission and make new appointments.
- 2) To remove the Commission staff appropriation and appoint a planning staff to be reassigned to the Commission by the Council.

EXHIBIT C

CITY OF DETROIT FISCAL 2005/2006 BUDGET

A52000 City Council

Appropriation Organization	Full-Tim e Equivale nt	Ámount
AGENCY APPROPRIATIONS		
		•
General Fund Group		
00269 City Legislative Functions		•
520009 City Council Appointed Board of Review	0	90,000
520011 City Council Research and Analysis	23	2,427,074
520016 City Council-Administration 520017 City Council Fiscal Analysis	9 4	2,222,714 624,353
520017 City Council Fiscal Arialysis 520018 Historic Designation Advisory Board	4	511,991
520019 City Planning Commission	15	1,588,138
City Legislative Functions Appro Total	55	7,464,269
00922 Council President Office		
520020 City Council President Office	9	896,501
Council President Office Appro Total	9	896,501
00923 Council Member Office 1		
520030 City Council Member Office 1	5	585,450
Council Member Office 1 Appro Total	5	58 5,450
00924 Council Member Office 2		
520040 City Council Member Office 2	5	585,450
Council Member Office 2 Appro Total	5	58 5,450
00925 Council Member Office 3		•
520050 City Council Member Office 3	5	585,450
Council Member Office 3 Appro Total	5	585 ,450
00926 Council Member Office 4		
520060 City Council Member Office 4	5	218,754
Council Member Office 4 Appro Total	5	218,754
00927 Council Member Office 5	•	
520070 City Council Member Office 5	5	585,450
Council Member Office 5 Appro Total	5	585,4 50
00928 Council Member Office 6		
520080 City Council Member Office 6	5	585,450
Council Member Office 6 Appro Total	5	585,450
00929 Council Member Office 7		
520090 City Council Member Office 7	5	585,450
Council Member Office 7 Appro Total	5	585,450